

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1138

---

AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 3-5-2-26.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 26.2. "HAVA" refers to the Help America Vote Act of 2002 (~~42 U.S.C. 15301 through 15545~~). (**52 U.S.C. 20901 through 52 U.S.C. 21145**).

SECTION 2. IC 3-5-2-33.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 33.5. "NVRA" refers to the National Voter Registration Act of 1993 (~~42 U.S.C. 1973gg~~). (**52 U.S.C. 20501 through 52 U.S.C. 20511**).

SECTION 3. IC 3-5-2-48.5, AS AMENDED BY P.L.221-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 48.5. "Testing authority" means an independent test authority or independent laboratory:

- (1) as described in the Voting System Standards issued by the Federal Election Commission on April 30, 2002; or
- (2) accredited under Section 231 of HAVA (~~42 U.S.C. 15371~~). (**52 U.S.C. 20971**).

SECTION 4. IC 3-5-2-50.2 IS AMENDED TO READ AS

HEA 1138 — Concur



FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 50.2. "Voter with disabilities" means a voter who has a permanent or temporary physical disability, as set forth in ~~42 U.S.C. 1973ee-6(4)~~.  
**52 U.S.C. 20107.**

SECTION 5. IC 3-5-2-53, AS AMENDED BY P.L.164-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 53. "Voting system" means, as provided in ~~42 U.S.C. 15481~~: **52 U.S.C. 21081:**

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:

- (A) to define ballots;
- (B) to cast and count votes;
- (C) to report or display election results; and
- (D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used:

- (A) to identify system components and versions of those components;
- (B) to test the system during its development and maintenance;
- (C) to maintain records of system errors and defects;
- (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

SECTION 6. IC 3-5-4-7, AS AMENDED BY P.L.225-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect ~~January 1, 2011~~: **September 1, 2014.**

SECTION 7. IC 3-5-8-2, AS AMENDED BY P.L.230-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in



the election.

(4) A statement describing how a voter who is challenged at the polls may be permitted to vote.

(5) The date of the election and the hours during which the polls will be open, as required by ~~42 U.S.C. 15482~~; **52 U.S.C. 21082**.

(6) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, as required by ~~42 U.S.C. 15482~~; **52 U.S.C. 21082**.

(7) Instructions for mail-in registrants and first time voters under IC 3-7-33-4.5 and ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**, as required under ~~42 U.S.C. 15482~~; **52 U.S.C. 21082**.

(8) General information on voting rights under applicable federal and state laws, including the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, as required under ~~42 U.S.C. 15482~~; **52 U.S.C. 21082**.

(9) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation, as required under ~~42 U.S.C. 15482~~; **52 U.S.C. 21082**.

(10) A statement informing the voter what assistance is available to assist the voter at the polls.

(11) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.

(12) A statement describing which voters will be permitted to vote at the closing of the polls.

(13) Other information that the commission considers important for a voter to know.

SECTION 8. IC 3-5-8-3, AS AMENDED BY P.L.230-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) As required by ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**, the precinct election board shall post the voter's bill of rights in a public place in each polling place on election day.

(b) The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

SECTION 9. IC 3-6-3.7-2, AS AMENDED BY P.L.2-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. In addition to performing the duties related to elections specified in this title, the secretary of state, with the consent of the co-directors of the election



division shall do the following:

- (1) Work with the federal Election Assistance Commission to encourage students enrolled at postsecondary educational institutions (including community colleges) to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants.
- (2) Consult with the federal Election Assistance Commission in the development of materials, seminars, and advertising targeted at students to implement the Help America Vote College Program conducted by the Election Assistance Commission under ~~42 U.S.C. 15521~~ **52 U.S.C. 21121**.
- (3) Consult with the Help America Vote Foundation established under 36 U.S.C. ~~1526~~ **152601** in developing programs to encourage secondary school students (including students educated in the home) to participate in the election process in a nonpartisan manner as poll workers or assistants to local election officials in precinct polling places.
- (4) Consult and coordinate with (and provide administrative support to) the co-directors of the election division in the development and implementation of the state plan under HAVA (~~42 U.S.C. 15401 through 15406~~) **(52 U.S.C. 21001 through 52 U.S.C. 21006)**.
- (5) Perform all duties required to be performed by the state or the chief state election official under HAVA.

SECTION 10. IC 3-6-4.2-12, AS AMENDED BY P.L.64-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. The election division shall do the following:

- (1) Maintain complete and uniform descriptions and maps of all precincts in Indiana.
- (2) Promptly update the information required by subdivision (1) after each precinct establishment order is filed with the commission under IC 3-11-1.5.
- (3) Issue media watcher cards under IC 3-6-10-6.
- (4) Serve in accordance with ~~42 U.S.C. 1973ff-1(b)~~ **52 U.S.C. 20302(b)** as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.
- (5) As required by ~~42 U.S.C. 1973ff-1(c)~~ **52 U.S.C. 20302(c)**, submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth



the combined number of absentee ballots:

- (A) transmitted to absent uniformed services voters and overseas voters for the election; and
  - (B) returned by absent uniformed services voters and overseas voters and cast in the election.
- (6) Implement the state plan in accordance with the requirements of HAVA ~~(42 U.S.C. 15401 through 15406)~~ **(52 U.S.C. 21001 through 52 U.S.C. 21006)** and this title, and appoint members of the committee established under ~~42 U.S.C. 15405~~ **52 U.S.C. 21005**.
- (7) Submit reports required under ~~42 U.S.C. 15408~~ **52 U.S.C. 21008** to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 11. IC 3-6-4.2-12.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA ~~(42 U.S.C. 15401 through 15406)~~ **(52 U.S.C. 21001 through 52 U.S.C. 21006)**.

(b) An individual appointed by the co-directors to serve on the committee established to develop the state plan to implement HAVA under ~~42 U.S.C. 15405~~ **52 U.S.C. 21005** is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

- (1) a state office is considered an employee of the state; or
- (2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.



(f) The committee's expenses, including the payment of per diem and reimbursements under this section, shall be paid from the Section 101 account of the election administration assistance fund established under IC 3-11-6.5.

SECTION 12. IC 3-6-4.2-12.5, AS AMENDED BY P.L.153-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12.5. (a) As authorized under ~~42 U.S.C. 15421~~, **52 U.S.C. 21021**, the secretary of state shall apply to the Secretary of Health and Human Services for payments under the HAVA (~~42 U.S.C. 15421 through 15425~~) (**52 U.S.C. 21021 through 52 U.S.C. 21025**) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If the secretary of state receives payments from the Secretary of Health and Human Services under ~~42 U.S.C. 15421 through 15425~~, **52 U.S.C. 21021 through 52 U.S.C. 21025**, the election division shall expend the money as described in the application submitted under ~~42 U.S.C. 15423~~. **52 U.S.C. 21023**.

SECTION 13. IC 3-6-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (~~42 U.S.C. 15481 through 15485~~). (**52 U.S.C. 21081 through 52 U.S.C. 21085**).

SECTION 14. IC 3-6-4.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.

SECTION 15. IC 3-6-4.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:



Sec. 5. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, the procedures prescribed by this chapter must be uniform and nondiscriminatory.

SECTION 16. IC 3-6-4.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 6. As provided by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, a person who believes there is a violation of any provision of Title III, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the election division.

SECTION 17. IC 3-6-4.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 7. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, a complaint filed under this chapter must be written, signed, and sworn to before an individual authorized to administer an oath under IC 33-42-4.

SECTION 18. IC 3-6-4.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 12. As permitted under ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, the election division (or commission) may consolidate complaints filed under this chapter.

SECTION 19. IC 3-6-4.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 18. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, at the request of the person filing a complaint, or at the request of a member of the commission, the commission shall conduct a hearing on the complaint and prepare a record of the hearing. A request for a hearing must be filed with the election division not later than noon seven (7) days after the report is mailed under section 16 of this chapter.

SECTION 20. IC 3-6-4.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 20. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, if the commission determines that based on the evidence presented, there is no violation of any provision of Title III or that the person has not complied with section 7 of this chapter, the commission shall dismiss the complaint and publish the order dismissing the matter in the Indiana Register.

SECTION 21. IC 3-6-4.5-21, AS AMENDED BY P.L.53-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 21. As authorized by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, if the commission determines that there is a violation of any provision of Title III, the commission shall determine and provide the appropriate remedy if authorized by law to do so. If providing the remedy would require additional or amended



Indiana legislation, the commission shall notify the interim study committee on elections established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 and provide recommendations regarding the form and content of this legislation.

SECTION 22. IC 3-6-4.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 24. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, the commission shall make the final determination regarding the complaint not later than ninety (90) days after the date the complaint is filed. The person filing the complaint may file a written consent permitting the commission to take a longer period to make the final determination regarding the complaint.

SECTION 23. IC 3-6-4.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 25. As required by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, if the commission fails to make the final determination regarding the complaint within the period applicable to the complaint under section 24 of this chapter, the complaint shall be resolved not later than sixty (60) days after the deadline applicable to the complaint under section 24 of this chapter.

SECTION 24. IC 3-6-4.5-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 27. As provided by ~~42 U.S.C. 15512~~, **52 U.S.C. 21112**, the record and other materials from any proceedings conducted by the commission shall be made available for use by the arbitrator.

SECTION 25. IC 3-6-5-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 17.5. (a) As required by ~~42 U.S.C. 1973ff-1(c)~~, **52 U.S.C. 20302(c)**, each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

- (1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and
- (2) returned by absent uniformed services voters and overseas voters and cast in the election.

(b) The report must be:

- (1) postmarked or hand delivered to the election division not later than fourteen (14) days after the election; and
- (2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (~~42 U.S.C. 1973ff-1~~ **(note)**): **(52 U.S.C. 20302 (note))**.

SECTION 26. IC 3-6-5-23, AS AMENDED BY P.L.2-2007,



SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 23. (a) A county election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary in the execution of its powers. The county election board may determine the duties, rank, and salaries of its appointees.

(b) The county election board may employ students enrolled at postsecondary educational institutions (including community colleges) to assist in the administration of elections by serving as nonpartisan assistants, in accordance with the requirements of the Help America Vote College Program conducted by the Election Assistance Commission under ~~42 U.S.C. 15521~~. **52 U.S.C. 21121.**

SECTION 27. IC 3-6-5.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (~~42 U.S.C. 15481 through 15485~~). **(52 U.S.C. 21081 through 52 U.S.C. 21085).**

SECTION 28. IC 3-7-11-1, AS AMENDED BY P.L.258-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. The co-directors of the election division are jointly designated under ~~42 U.S.C. 1973gg-8~~ **52 U.S.C. 20509** as the chief state election official responsible for the coordination of state responsibilities under NVRA.

SECTION 29. IC 3-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. The NVRA official shall do the following:

- (1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county, municipal, and nongovernmental offices designated as registration sites under this article.
- (2) Develop training programs to assist the offices described in subdivision (1) in properly administering registration services.
- (3) Protect the fundamental rights of voters.
- (4) Consult with the federal Election Assistance Commission under ~~42 U.S.C. 1973gg-7~~ **52 U.S.C. 20508** to develop a federal mail registration form.
- (5) Comply with ~~42 U.S.C. 1973gg-4(b)~~ **52 U.S.C. 20505(b)** by making federal and state mail registration forms available for distribution through governmental and private entities, with particular emphasis on making the forms available for organized voter registration programs.
- (6) Comply with ~~42 U.S.C. 1973gg-6(g)~~ **52 U.S.C. 20507(g)** by



notifying a county registration officer whenever the NVRA official receives information from a United States attorney that:

(A) a person has been convicted of a felony in a district court of the United States; or

(B) the conviction has been overturned.

(7) Receive notices from voter registration agencies in other states indicating that a person has registered in that state and requests that the person's registration in Indiana be canceled.

(8) Forward notices received under subdivision (7) to the appropriate circuit court clerk or board of registration for cancellation of the voter's registration as provided in ~~42 U.S.C. 1973gg-6(a)(3)(A)~~: **52 U.S.C. 20507(a)(3)(A)**.

(9) Assist the federal Election Assistance Commission under ~~42 U.S.C. 1973gg-7(a)(3)~~ **52 U.S.C. 20508(a)(3)** by preparing reports concerning the impact of NVRA on election administration in Indiana.

(10) Recommend improvements to the Federal Election Commission concerning federal and state procedures, forms, or other matters affected by NVRA.

(11) Develop public awareness programs to assist voters in understanding the services available to them under NVRA.

SECTION 30. IC 3-7-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 3. (a) This section applies when a person aggrieved by a violation of:

(1) NVRA; or

(2) this article;

files a written notice of the violation with the NVRA official under ~~42 U.S.C. 1973gg-9(b)~~ **52 U.S.C. 20510(b)** or this chapter. A person who files a written notice of violation under this section must state in the notice whether the person has filed a written notice concerning the violation with the circuit court clerk under IC 3-7-12.

(b) The NVRA official shall promptly provide a copy of the notice by first class mail to:

(1) the person alleged to have committed the violation; and

(2) the members of the commission.

(c) Notwithstanding this chapter, a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the



NVRA official under this chapter.

(d) This subsection applies if the written notice of violation alleges that either co-director has committed a violation. The aggrieved person shall file the written notice with the chair of the commission. The chair of the commission shall perform the duties otherwise performed by the NVRA official concerning a written notice of violation.

SECTION 31. IC 3-7-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 13. (a) This section applies to an election for an elected office or on a public question that is not an election (as defined in ~~2 U.S.C. 431(f)~~ **52 U.S.C. 30101(1)** and referenced in ~~42 U.S.C. 1973gg-1(1)~~ **52 U.S.C. 20502(1)**).

(b) The attorney general may file a civil action for declaratory or injunctive relief necessary to carry out this article for the election.

(c) A person aggrieved by a violation of this article concerning the election may provide written notice of the violation to the NVRA official.

(d) Notwithstanding subsection (c), a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

SECTION 32. IC 3-7-12-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 41. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~ **52 U.S.C. 20506(a)(5)**, an employee or volunteer of a county voter registration office may not do any of the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 33. IC 3-7-13-13, AS AMENDED BY P.L.164-2006,



SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. (a) Except as provided in subsections (b) and (c), when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11, as provided under ~~42 U.S.C. 15483~~. **52 U.S.C. 21083.**

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under ~~42 U.S.C. 15483~~. **52 U.S.C. 21083.**

(c) As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under ~~42 U.S.C. 15483~~. **52 U.S.C. 21083.**

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

- (1) the voter made an error when providing the number when registering to vote;
- (2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;
- (3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or
- (4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If the voter does not have either of the numbers



described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).

SECTION 34. IC 3-7-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1. This chapter prescribes voter registration procedures in Indiana's motor vehicle authority as provided in ~~42 U.S.C. 1973gg-3~~.  
**52 U.S.C. 20504.**

SECTION 35. IC 3-7-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 4. An application to obtain or renew a motor vehicle driver's license, permit, or identification card serves as an application for voter registration:

- (1) under this article; and
- (2) as provided in ~~42 U.S.C. 1973gg-3(a)(1)~~; **52 U.S.C. 20504(a)(1)**;

unless the applicant fails to sign the voter registration application.

SECTION 36. IC 3-7-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 5. As provided in ~~42 U.S.C. 1973gg-3(c)(1)~~, **52 U.S.C. 20504(c)(1)**, the bureau of motor vehicles commission shall include a voter registration application form as a part of the application for a driver's license prescribed under IC 9-24.

SECTION 37. IC 3-7-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 7. As provided in ~~42 U.S.C. 1973gg-3(c)(2)~~, **52 U.S.C. 20504(c)(2)**, the registration form described in section 5 of this chapter must meet the following requirements:

- (1) The form may not require information that duplicates information required in the driver's license application part of the form, except as set forth in subdivision (3).
- (2) The form may require only the minimum amount of information necessary to do the following:
  - (A) Prevent duplication of voter registrations.
  - (B) Permit the circuit court clerk or board of registration to:
    - (i) assess the eligibility of the applicant; and
    - (ii) administer the election and voter registration system.
- (3) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of



perjury.

(4) The form must include the following, in print that is identical to the print used in the attestation part of the application:

(A) Information setting forth the penalties provided by law for submission of a false voter registration application.

(B) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SECTION 38. IC 3-7-14-12, AS AMENDED BY P.L.164-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a county voter registration office.

(b) The bureau of motor vehicles commission shall forward the voter registration part of the application to the election division for transmittal to the appropriate county voter registration office on an expedited basis in accordance with IC 3-7-26.3, IC 9-24-2.5, and ~~42 U.S.C. 1973gg-3(c)(2)(E)~~. **52 U.S.C. 20504(c)(2)(E).**

SECTION 39. IC 3-7-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. Voter registration information received or maintained by the bureau of motor vehicles commission under this chapter is confidential and may be used only for voter registration purposes as provided in this article, ~~42 U.S.C. 1973gg-3(b)~~, and ~~42 U.S.C. 1973gg-6(a)(6)~~. **52 U.S.C. 20504(b), and 52 U.S.C. 20507(a)(6).**

SECTION 40. IC 3-7-14-14, AS AMENDED BY P.L.164-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 14. Except as provided in section 15 of this chapter, an application under section 4 of this chapter authorizes a county voter registration office to update the voter registration record of the applicant:

(1) under ~~42 U.S.C. 1973gg-3(a)(2)~~ **52 U.S.C. 20504(a)(2)** unless the applicant fails to sign the voter registration application; or

(2) in a manner authorized under IC 3-7-26.3.

SECTION 41. IC 3-7-14-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

**HEA 1138 — Concur**



Sec. 15. As provided in ~~42 U.S.C. 1973gg-3(d)~~, **52 U.S.C. 20504(d)**, a circuit court clerk or board of registration may update the address in the voter registration of an applicant, unless the applicant indicates on an application to obtain or renew a motor vehicle driver's license (or any other change of address form submitted to the clerk or board by the bureau of motor vehicles commission) that the change of address of the applicant is not for voter registration purposes.

SECTION 42. IC 3-7-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 16. The circuit court clerk or board of registration shall, upon receiving a completed application under section 12 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33 and as required under ~~42 U.S.C. 1973gg-6(a)(2)~~. **52 U.S.C. 20507(a)(2)**.

SECTION 43. IC 3-7-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 17. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~, **52 U.S.C. 20506(a)(5)**, an employee or a volunteer of the office shall not do any of the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 44. IC 3-7-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1. This chapter prescribes voter registration procedures in public assistance agencies as provided in ~~42 U.S.C. 1973gg-5(a)(2)(A)~~. **52 U.S.C. 20506(a)(2)(A)**.

SECTION 45. IC 3-7-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 3. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A)~~, **52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A)**, an office listed in section 2 of this chapter shall distribute a voter registration form prescribed under section 4 of this



chapter to each applicant for public assistance whenever the applicant:

- (1) applies for service or assistance;
- (2) applies for recertification or renewal of services or assistance;
- or
- (3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

SECTION 46. IC 3-7-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 5. The registration form prescribed under section 4 of this chapter must meet the following requirements:

- (1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with ~~42 U.S.C. 1973gg-5(a)(6)(A)(ii)~~ **52 U.S.C. 20506(a)(6)(A)(ii)**.

- (2) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

- (3) The form must include the following as provided in ~~42 U.S.C. 1973gg-5(a)(6)(B)~~ **52 U.S.C. 20506(a)(6)(B)**:

- (A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".
- (B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".
- (C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.
- (D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".
- (E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".
- (F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to



vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred."

SECTION 47. IC 3-7-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 9. An employee of the office who provides an individual with an application for assistance or services under section 3 of this chapter shall do the following:

- (1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:
  - (A) the individual is not eligible to vote; or
  - (B) the individual:
    - (i) declines to register to vote;
    - (ii) fails to complete the voter registration part of the application; or
    - (iii) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).
- (2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in ~~42 U.S.C. 1973gg-5(a)(4)(ii)~~; **52 U.S.C. 20506(a)(4)(ii)**.
- (3) Check the completed voter registration form for legibility and completeness.
- (4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate county voter registration office.
- (5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

SECTION 48. IC 3-7-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 11. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~; **52 U.S.C. 20506(a)(5)**, an employee of the office shall not do any of the following:



- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 49. IC 3-7-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 12. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C)~~, **52 U.S.C. 20506(a)(4)(A)(ii) and 52 U.S.C. 20506(a)(6)(C)**, an office described in section 2 of this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

SECTION 50. IC 3-7-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 15. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and ~~42 U.S.C. 1973gg-5(a)(7)~~. **52 U.S.C. 20506(a)(7)**.

SECTION 51. IC 3-7-15-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 16. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application to the clerk or board not later than five (5) days after the date of acceptance and as provided in ~~42 U.S.C. 1973gg-5(a)(4)(iii)~~ **52 U.S.C. 20506(a)(4)(iii)** and:

- (1) IC 12-14-1.5;
- (2) IC 12-14-25;
- (3) IC 12-15-1.5; or
- (4) IC 16-35-1.6.

SECTION 52. IC 3-7-15-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 18. The circuit court clerk or board of registration shall, upon



receiving a completed application under section 16 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33 and as required under ~~42 U.S.C. 1973gg-6(a)(2)~~. **52 U.S.C. 20507(a)(2).**

SECTION 53. IC 3-7-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 1. This chapter prescribes voter registration procedures in agencies providing state funded programs primarily engaged in serving persons with disabilities as provided in ~~42 U.S.C. 1973gg-5(a)(2)(B)~~. **52 U.S.C. 20506(a)(2)(B).**

SECTION 54. IC 3-7-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 9. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A)~~, **52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A)**, an agency designated under this chapter shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

- (1) applies for service or assistance;
- (2) applies for recertification or renewal of services or assistance;
- or
- (3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

SECTION 55. IC 3-7-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 10. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(B)~~, **52 U.S.C. 20506(a)(4)(B)**, an agency designated under this chapter that provides services to a person with a disability at the person's home shall provide voter registration services under this chapter at the person's home.

SECTION 56. IC 3-7-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 12. The registration form prescribed under section 11 of this chapter must meet the following requirements:

- (1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with ~~42 U.S.C. 1973gg-5(a)(6)(A)(ii)~~. **52 U.S.C. 20506(a)(6)(A)(ii).**
- (2) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the



eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

(3) The form must include the following as provided in ~~42 U.S.C. 1973gg-5(a)(6)(B)~~: **52 U.S.C. 20506 (a)(6)(B)**:

(A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred.".

(4) The form must be designed to make voter registration as accessible as possible for persons with disabilities.

SECTION 57. IC 3-7-16-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 16. An employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote;
- (B) the individual declines to register to vote or fails to



complete the voter registration part of the application; or  
 (C) answers "no" to either question described by  
 IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in ~~42 U.S.C. 1973gg-5(a)(4)(ii)~~; **52 U.S.C. 20506(a)(4)(ii)**.

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate county voter registration office.

(5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

SECTION 58. IC 3-7-16-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 18. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~; **52 U.S.C. 20506(a)(5)**, an employee or a volunteer of the office shall not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 59. IC 3-7-16-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 19. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C)~~; **52 U.S.C. 20506(a)(4)(A)(ii) and 52 U.S.C. 20506(a)(6)(C)**, an office designated under this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in



completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

SECTION 60. IC 3-7-16-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 22. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and ~~42 U.S.C. 1973gg-5(a)(7)~~. **52 U.S.C. 20506(a)(7)**.

SECTION 61. IC 3-7-16-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 23. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application or declination to the clerk or board not later than five (5) days after the date of acceptance and as provided in ~~42 U.S.C. 1973gg-5(a)(4)(iii)~~. **52 U.S.C. 20506(a)(4)(iii)**.

SECTION 62. IC 3-7-16-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 25. The circuit court clerk or board of registration shall, upon receiving a completed application under section 23 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33, and as required under ~~42 U.S.C. 1973gg-6(a)(2)~~. **52 U.S.C. 20507(a)(2)**.

SECTION 63. IC 3-7-16-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 27. (a) This section does not apply to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the designated individual shall transmit a copy of a completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than ten (10) days after the application is accepted at the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.



(d) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than ten (10) days after the application is accepted at the office.

SECTION 64. IC 3-7-16-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 28. (a) This section applies to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the designated individual shall transmit a copy of the completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted by the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

SECTION 65. IC 3-7-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 1. This chapter prescribes voter registration procedures in armed forces recruitment offices as provided in ~~42 U.S.C. 1973gg-5(c)~~. **52 U.S.C. 20506(c)**.

SECTION 66. IC 3-7-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 2. As required under ~~42 U.S.C. 1973gg-5(e)(2)~~, **52 U.S.C. 20506(c)(2)**, a recruitment office of the armed forces of the United States located within Indiana is a voter registration agency under this article.

SECTION 67. IC 3-7-18-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1. This chapter prescribes voter registration procedures in additional federal, state, and local government and nongovernmental offices as provided in ~~42 U.S.C. 1973gg-5(a)(3)~~. **52 U.S.C. 20506(a)(3).**

SECTION 68. IC 3-7-18-2, AS AMENDED BY P.L.81-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A)~~, **52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A)**, an agency designated under IC 3-7-19 (board of registration offices), IC 3-7-20.5 (unemployment compensation offices), and IC 3-7-21 (additional designated voter registration offices) shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

- (1) applies for service or assistance;
- (2) applies for recertification or renewal of services or assistance;
- or
- (3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

SECTION 69. IC 3-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 4. The registration form prescribed under section 3 of this chapter must meet the following requirements:

- (1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with ~~42 U.S.C. 1973gg-5(a)(6)(A)(ii)~~. **52 U.S.C. 20506(a)(6)(A)(ii).**
- (2) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.
- (3) The form must include the following as provided in ~~42 U.S.C. 1973gg-5(a)(6)(B)~~: **52 U.S.C. 20506(a)(6)(B):**
  - (A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".
  - (B) A statement reading "Applying to register or declining to



register to vote will not affect the amount of assistance that you will be provided by this agency."

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred."

SECTION 70. IC 3-7-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 8. An employee of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote;
- (B) the individual declines to register to vote or fails to complete the voter registration part of the application; or
- (C) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(ii)~~ **52 U.S.C. 20506(a)(4)(A)(ii)**.

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the office



administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate county voter registration office.

(5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

SECTION 71. IC 3-7-18-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 10. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~, **52 U.S.C. 20506(a)(5)**, an employee or a volunteer of the office shall not do any of the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 72. IC 3-7-18-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 11. As provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C)~~, **52 U.S.C. 20506(a)(4)(A)(ii) and 52 U.S.C. 20506(a)(6)(C)**, an office designated under this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

SECTION 73. IC 3-7-18-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 14. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and ~~42 U.S.C. 1973gg-5(a)(7)~~. **52 U.S.C. 20506(a)(7)**.

SECTION 74. IC 3-7-18-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 15. Unless the applicant refuses to permit the office to transmit the



form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application or declination to the clerk or board as provided in ~~42 U.S.C. 1973gg-5(a)(4)(A)(iii)~~; **52 U.S.C. 20506(a)(4)(A)(iii)**.

SECTION 75. IC 3-7-18-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 17. The circuit court clerk or board of registration shall, upon receiving a completed application under section 15 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33, and as required under ~~42 U.S.C. 1973gg-6(a)(2)~~; **52 U.S.C. 20507(a)(2)**.

SECTION 76. IC 3-7-18-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 19. (a) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~; **52 U.S.C. 20506(d)(1)**, the designated individual shall transmit a copy of a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

SECTION 77. IC 3-7-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. Each board of registration office that is not located in the same building as the principal office of the circuit court clerk or board of registration office is designated as a voter registration office under ~~42 U.S.C. 1973gg-5(a)(3)~~; **52 U.S.C. 20506(a)(3)**.

SECTION 78. IC 3-7-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. As provided in ~~42 U.S.C. 1973gg-5(a)(5)~~; **52 U.S.C. 20506(a)(5)**, an employee or volunteer of a county voter registration



office may not do any of the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

SECTION 79. IC 3-7-20.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. Each office of the department of employment and training services that provides assistance or services concerning unemployment compensation is designated as a voter registration office under ~~42 U.S.C. 1973gg-5~~. **52 U.S.C. 20506.**

SECTION 80. IC 3-7-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes the procedure for designating additional federal and nongovernmental offices as voter registration agencies under ~~42 U.S.C. 1973gg-5(a)(3)(B)(ii)~~. **52 U.S.C. 20506(a)(3)(B)(ii).**

SECTION 81. IC 3-7-22-1, AS AMENDED BY P.L.81-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes procedures for voter registration by mail as provided in ~~42 U.S.C. 1973gg-4 and 42 U.S.C. 15483~~. **52 U.S.C. 20505 and 52 U.S.C. 21083.**

SECTION 82. IC 3-7-22-2, AS AMENDED BY P.L.81-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. As provided in ~~42 U.S.C. 1973gg-4(a)(1) and 42 U.S.C. 15483~~, **52 U.S.C. 20505(a)(1) and 52 U.S.C. 21083**, a county voter registration office shall accept and use the mail voter registration form prescribed by the federal Election Assistance Commission under ~~42 U.S.C. 1973gg-7(a)(2)~~. **52 U.S.C. 20508(a)(2).**

SECTION 83. IC 3-7-22-3, AS AMENDED BY P.L.81-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. As provided in ~~42 U.S.C. 1973gg-4(a)(2) and 42 U.S.C. 15483~~, **52 U.S.C. 20505(a)(2)**



**and 52 U.S.C. 21083**, a county voter registration office shall accept and use a mail voter registration form prescribed by the commission that complies with ~~42 U.S.C. 1973gg-7(b)(2)~~, ~~42 U.S.C. 15483~~, **52 U.S.C. 20508(b)(2)**, **52 U.S.C. 21083**, and this article.

SECTION 84. IC 3-7-22-4, AS AMENDED BY P.L.81-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) A mail registration form prescribed under section 3 of this chapter may only require information necessary to enable the county voter registration office to do the following:

- (1) Assess the eligibility of the applicant, including the eligibility of the applicant under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**.
- (2) Administer the voter registration and election process.

(b) The information required under subsection (a) may include the following:

- (1) The signature of the applicant.
- (2) Data relating to previous registration by the applicant.

(c) The form may not include any requirement for notarization or other formal authentication.

SECTION 85. IC 3-7-22-5, AS AMENDED BY P.L.81-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

- (1) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of perjury.
- (2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.
- (3) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (4) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.



(5) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 86. IC 3-7-22-6, AS AMENDED BY P.L.81-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. (a) As provided in ~~42 U.S.C. 1973gg-4(b)~~, **52 U.S.C. 20505**, the NVRA official shall make registration by mail forms available for distribution, with particular emphasis on organized voter registration programs.

(b) The NVRA official complies with subsection (a) by ensuring that a downloadable version of the current registration by mail form is published on the election division web site.

SECTION 87. IC 3-7-26.3-3, AS AMENDED BY P.L.164-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the secretary of state with the consent of the co-directors of the election division shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.

SECTION 88. IC 3-7-26.3-4, AS AMENDED BY P.L.81-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the computerized list must:

- (1) be defined, maintained, and administered at the state level;
- (2) contain the name and registration information of every voter in Indiana; and
- (3) assign a unique identifier to each voter in Indiana.

(b) To ensure the proper maintenance and administration of the list under subsection (a)(1), the secretary of state and the election division are the owners of all property comprising the computerized list. Except as expressly provided by statute, the computerized list and each of its components must be used exclusively for voter registration and election administration and for no other purpose.

SECTION 89. IC 3-7-26.3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. In accordance with ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the computerized list serves as:

- (1) the single system for storing and managing the official list of



voters throughout Indiana; and

(2) the official voter registration list for the conduct of all elections in Indiana.

SECTION 90. IC 3-7-26.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 6. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the computerized list must be coordinated with other agency data bases within Indiana.

SECTION 91. IC 3-7-26.3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 7. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, each county voter registration office, the election division, and the secretary of state must be able to obtain immediate electronic access to the information contained in the computerized list.

SECTION 92. IC 3-7-26.3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 9. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, a county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an expedited basis at the time the information is provided to the county voter registration office.

SECTION 93. IC 3-7-26.3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 10. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the secretary of state and the election division shall provide the support required for the county voter registration office to enter the information into the computerized list.

SECTION 94. IC 3-7-26.3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 11. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The list maintenance activity required under this section includes the removal of an individual from the list when required by this article and NVRA following:

- (1) the death of the individual;
- (2) the individual's confirmation that the individual resides outside the county in which the individual is registered; or
- (3) an inactive voter's failure to respond to a notice or otherwise act in accordance with ~~42 U.S.C. 1973gg-6~~ **52 U.S.C. 20507** to require the voter's registration to be reclassified as active within the period prescribed by NVRA.



SECTION 95. IC 3-7-26.3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division shall coordinate the computerized list with the department of correction records concerning individuals disfranchised under IC 3-7-46.

SECTION 96. IC 3-7-26.3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division shall coordinate the computerized list with the state department of health concerning individuals identified as deceased under IC 3-7-45.

SECTION 97. IC 3-7-26.3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 14. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the computerized list maintenance performed under sections 11 through 13 of this chapter must ensure that:

- (1) the name of each voter appears in the computerized list;
- (2) only voters who are not eligible to vote are removed from the computerized list; and
- (3) duplicate names of an individual voter are eliminated from the computerized list.

SECTION 98. IC 3-7-26.3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 15. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division and each county voter registration office shall provide adequate technological security measures to prevent unauthorized access to the computerized list.

SECTION 99. IC 3-7-26.3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 16. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division and each county voter registration office shall ensure that voter registration records are accurate and updated regularly.

SECTION 100. IC 3-7-26.3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 17. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division and each county voter registration office shall perform the list maintenance required under NVRA to ensure that inactive voters described in section 11(3) of this chapter and ~~42 U.S.C. 1973gg-6(d)(1)(B)~~ **52 U.S.C. 20507(d)(1)(B)** are removed from the official list of eligible voters.

SECTION 101. IC 3-7-26.3-18 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 18. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the secretary of state, the co-directors of the election division, and the bureau of motor vehicles commission shall enter into an agreement to match information in the computerized list data base with information in the data base of the bureau of motor vehicles commission to enable the election division (acting on behalf of the secretary of state) and the commission to verify the accuracy of the information provided on voter registration applications.

SECTION 102. IC 3-7-26.3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 19. (a) As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the bureau of motor vehicles commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(b) The following information is subject to verification under this section:

- (1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.
- (2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

SECTION 103. IC 3-7-26.3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 20. As required by ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the agreement under section 19 of this chapter must include:

- (1) safeguards to assure the maintenance of the confidentiality of any information disclosed to the bureau;
- (2) procedures to permit the bureau to use the information to maintain the bureau's records; and
- (3) procedures to permit the election division to coordinate the records of the computerized list established under this chapter with the bureau's data base as provided by section 6 of this chapter.

SECTION 104. IC 3-7-26.3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 21. As provided by ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the information provided by the Commissioner of Social Security or by an individual to the bureau of motor vehicles is confidential. The information may be used only for the purposes described under ~~42~~



~~U.S.C. 15483~~ **52 U.S.C. 21083** and sections 19 and 20 of this chapter.

SECTION 105. IC 3-7-26.4-2, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. The election division may not provide any part of the compilation of the voter registration information contained in the computerized list except:

- (1) as provided in IC 3-7-26.3 or this chapter;
- (2) to perform voter list maintenance duties required by ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**; or
- (3) to redact voter registration information declared confidential under a court order or IC 5-26.5-2.

SECTION 106. IC 3-7-27-6, AS AMENDED BY P.L.258-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. (a) As required under ~~42 U.S.C. 1973gg-6(i)~~; **52 U.S.C. 20507(i)**, a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

- (1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.
- (2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.
- (b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.
- (c) In accordance with IC 5-14-3-3(h) and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer disc or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information. Notwithstanding IC 5-14-3-8, the county election board may adopt a nondiscriminatory uniform fee for the production of this electronic record.



(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

- (1) use the information to solicit merchandise, goods, services, or subscriptions; or
- (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 107. IC 3-7-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. As required under ~~42 U.S.C. 1973gg-6(a)(6)~~, **52 U.S.C. 20507(a)(6)**, the records of the statewide voter registration system or a county voter registration office indicating the identity of the voter registration agency through which an individual registered are confidential.

SECTION 108. IC 3-7-30-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. As provided in ~~42 U.S.C. 1973gg-3(c)~~, **52 U.S.C. 20504(c)**, the fact that an applicant declined to register at a license branch or at a voter registration agency is confidential.

SECTION 109. IC 3-7-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. A person shall not use information relating to the failure of an applicant for a driver's license to apply for voter registration for any purpose other than voter registration, as required under ~~42 U.S.C. 1973gg-3(b)~~, **52 U.S.C. 20504(b)**.

SECTION 110. IC 3-7-31-4, AS AMENDED BY P.L.81-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) A form used to apply for registration at a license branch must comply with ~~42 U.S.C. 1973gg-3(c)(2) and 42 U.S.C. 1973gg-3(d)~~, **52 U.S.C. 20504(c)(2) and 52 U.S.C. 20504(d)**.

(b) A form used to apply for registration at:

- (1) a public assistance agency designated under IC 3-7-15;
- (2) an agency serving persons with disabilities designated under IC 3-7-16;
- (3) an additional office designated under IC 3-7-18 or IC 3-7-19;
- or
- (4) an office of the department of employment and training



services designated under IC 3-7-20.5;  
must comply with ~~42 U.S.C. 1973gg-5(a)(6)~~; **52 U.S.C. 20506(a)(6)**.

SECTION 111. IC 3-7-32-4, AS AMENDED BY P.L.66-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. A voter may not submit a registration application by fax or an electronic transmission except:

- (1) a voter who is an absent uniformed services voter or overseas voter submitting a registration application on the combined absentee registration form and absentee ballot request approved under ~~42 U.S.C. 1973ff(b)~~; **52 U.S.C. 20301(b)**;
- (2) as provided in IC 3-7-26.3; or
- (3) as provided in IC 3-7-26.7.

SECTION 112. IC 3-7-33-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) This section applies to a voter registration application that is:

- (1) completed as part of a driver's license application under IC 3-7-14; or
- (2) submitted at a voter registration agency under this article.

(b) As provided in ~~42 U.S.C. 1973gg-6(a)(1)~~; **52 U.S.C. 20507(a)(1)**, an eligible applicant whose application is accepted by the bureau of motor vehicles or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election.

SECTION 113. IC 3-7-33-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under IC 3-7-22.

(b) Except as provided in subsection (c), and as provided in ~~42 U.S.C. 1973gg-6(a)(1)~~; **52 U.S.C. 20507(a)(1)**, an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the county voter registration office not later than the Monday following the close of the registration period before the election.

SECTION 114. IC 3-7-33-4.5, AS AMENDED BY P.L.225-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:



(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if the application was received by the county voter registration office after December 31, 2002, and before January 1, 2006.

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act ~~(42 U.S.C. 1973ee-1(b)(2)(B)(ii))~~ **(52 U.S.C. 20102(b)(2)(B)(ii))** due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional



documentation under this section and ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**.

(d) As required by ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 115. IC 3-7-33-5, AS AMENDED BY P.L.64-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) This subsection does not apply to a voter who indicates:

(1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or

(2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under ~~42 U.S.C. 1973gg-6(a)(2)~~, **52 U.S.C. 20507(a)(2)**, the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall



send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (g), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

- (4) In accordance with ~~42 U.S.C. 1973ff-1(d)~~, **52 U.S.C. 20302(d)**, if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may not include a voter identification number.

(e) The notice required by subsection (b) may include a voter registration card.

(f) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(g) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

- (1) is not returned by the United States Postal Service and received by the county voter registration office at; or
- (2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the



county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(i) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 116. IC 3-7-33-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 6. As provided by ~~42 U.S.C. 1973gg-4(d)~~, **52 U.S.C. 20505(d)**, if:

- (1) the county voter registration office mails a notice of the disposition of a voter registration application under section 5(b) of this chapter by nonforwardable mail; and
- (2) the notice is returned as undeliverable, after the applicant is added to the registration rolls under section 5 of this chapter;

the county voter registration office may initiate steps to remove the voter from the registration rolls as provided in ~~42 U.S.C. 1973gg-6(d)~~ **52 U.S.C. 20507(d)** and this article.

SECTION 117. IC 3-7-34-1, AS AMENDED BY P.L.81-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter applies when a county voter registration office receives a registration form that



is not properly completed under:

- (1) IC 3-7 or ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**; or
- (2) is filed in an incorrect county.

SECTION 118. IC 3-7-34-2, AS AMENDED BY P.L.258-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. (a) This section applies when a county voter registration office receives a registration form that is not fully and properly completed so that the county voter registration office can:

- (1) administer voter registration and other parts of the election process (as provided by ~~42 U.S.C. 1973gg-7~~; **52 U.S.C. 20508**); or
  - (2) determine if the applicant is eligible to register under this article, including when the applicant fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).
- (b) As required by ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**, the county voter registration office shall promptly make:

- (1) one (1) effort to contact the voter by mail if possible; and
- (2) one (1) effort to contact the voter by telephone if a telephone number is listed.

SECTION 119. IC 3-7-38.2-1, AS AMENDED BY P.L.258-2013, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. As required under ~~42 U.S.C. 1973gg-6(a)(4)~~; **52 U.S.C. 20507(a)(4)**, the NVRA official and each county voter registration office shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to a change of residence of the voter.

SECTION 120. IC 3-7-38.2-2, AS AMENDED BY P.L.64-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (~~42 U.S.C. 1973~~); (**52 U.S.C. 10101**);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each voter whose



registration has not previously been canceled or designated as inactive under this chapter at the residence address:

- (1) listed in the voter's registration record; and
  - (2) determined by the county voter registration office not to be the voter's current residence address.
- (c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):
- (1) The United States Postal Service National Change of Address Service.
  - (2) A court regarding jury duty notices returned because of an unknown or insufficient address.
  - (3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.
  - (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
  - (5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.
  - (6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.
- (d) The notice described in subsection (b) must:
- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
  - (2) include a postage prepaid return card that:
    - (A) is addressed to the county voter registration office;
    - (B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
    - (C) permits the voter to provide the voter's current residence address.
- (e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:



(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter returns the card described in subsection (d)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

(g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 121. IC 3-7-38.2-3, AS AMENDED BY P.L.164-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. As provided under ~~42 U.S.C. 1973gg-6(c)(2)(B)(i)~~, **52 U.S.C. 20507(c)(2)(B)(i)**, this chapter does not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary, general, or municipal election due to any of the following in accordance with this article:



- (1) The written request of the voter.
- (2) Disenfranchisement due to criminal conviction and incarceration.
- (3) The death of the voter.

SECTION 122. IC 3-7-38.2-4, AS AMENDED BY P.L.164-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. As provided under ~~42 U.S.C. 1973gg-6(c)(2)(B)(ii)~~, **52 U.S.C. 20507(c)(2)(B)(ii)**, this chapter does not prevent the correction of voter registration records under this article.

SECTION 123. IC 3-7-38.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7. As permitted under ~~42 U.S.C. 1973gg-6(c)(1)~~, **52 U.S.C. 20507(c)(1)**, the NVRA official (or a contractor retained by the election division under this chapter) shall use change of address information supplied by the United States Postal Service through the Postal Service's licensee to identify a voter whose residence may have changed.

SECTION 124. IC 3-7-38.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 10. (a) As provided in ~~42 U.S.C. 1973gg-6(c)(1)(B)(i)~~, **52 U.S.C. 20507(c)(1)(B)(i)**, if the county voter registration office determines from information provided under this chapter that a voter has moved to an address different from the address where voter is currently registered, the voter registration office shall:

- (1) change the registration record to show the new address; and
- (2) send the voter a notice of the change;

if the information provided under this chapter includes a forwarding address.

(b) If the information provided under this chapter:

- (1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and
- (2) does not include a forwarding address;

the county voter registration office shall indicate on the registration record that the voter is an inactive voter at that address and shall remove the voter's name from the registration rolls under the procedures of this chapter if the voter has not voted, appeared to vote, or has failed to correct the voter registration record within the period described in section 14(2)(B) of this chapter.

SECTION 125. IC 3-7-38.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. As provided in ~~42 U.S.C. 1973gg-6(c)(1)(B)(ii)~~, **52 U.S.C.**



**20507(c)(1)(B)(ii)**, if the county voter registration office determines from information provided under this chapter that a voter has moved to a different residence address that is not located in the same county in which the voter is currently registered, the voter registration office shall cancel the voter's registration if the change of address to a residence outside the county is confirmed.

SECTION 126. IC 3-7-38.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. After the county voter registration office has determined under this chapter that a voter's residence may have changed, the election division shall send a notice to the voter that sets forth substantially the following statements as provided in ~~42 U.S.C. 1973gg-6(d)(2)~~: **52 U.S.C. 20507(d)(2)**:

(1) If the voter did not change the voter's residence or changed the residence but remained in the same county where the voter was listed on the voter registration record, the voter must return the card enclosed with the notice in person to the county voter registration office not later than twenty-nine (29) days before the election or by regular United States mail:

- (A) with a postmark not later than twenty-nine (29) days before the election; or
- (B) if a postmark is missing or illegible, to the county voter registration office not later than twenty-one (21) days before the election.

(2) If the card is not returned under subdivision (1), the voter must affirm or confirm the voter's address before the voter is permitted to vote in an election during the period:

- (A) beginning on the date of the notice; and
- (B) ending on the day after the date of the second general election scheduled to occur after the date of the notice.

(3) If the voter does not vote in an election described in subdivision (2), the voter's name will be removed from the voter registration list.

(4) If the voter changed residence to a place outside the county in which the voter is included on the voter registration list, information concerning how the voter can continue to be eligible to vote in the county where the voter currently resides.

SECTION 127. IC 3-7-38.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 14. As required under ~~42 U.S.C. 1973gg-6(d)(1)~~, **52 U.S.C. 20507(d)(1)**, a county voter registration office shall not remove the name of a voter from the voter registration records due to the voter's



change of residence unless the voter:

- (1) confirms in writing that the voter has changed residence to a location outside the county in which the voter is currently registered; or
- (2) has:
  - (A) failed to respond to a notice sent under section 13 of this chapter; and
  - (B) not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:
    - (i) beginning on the date of the notice; and
    - (ii) ending on the day after the date of the second general election that occurs after the date of the notice.

SECTION 128. IC 3-7-39-7, AS AMENDED BY P.L.64-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under ~~42 U.S.C. 1973gg-6(c)(1)~~, **52 U.S.C. 20507(e)(1)**, a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the commission under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 129. IC 3-7-39-8, AS AMENDED BY P.L.164-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 8. (a) This section



applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under ~~42 U.S.C. 1973gg-6(f)~~, **52 U.S.C. 20507(f)**, the county voter registration office:

- (1) shall correct the address shown on the voter registration records for a voter subject to this section; and
- (2) may not remove the voter from the voter registration records due to a change of address, except as provided in this title.

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12.

SECTION 130. IC 3-7-39-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 9. As provided in ~~42 U.S.C. 1973gg-3(d)~~, **52 U.S.C. 20504(d)**, a voter may indicate on a change of address form submitted at a license branch that the change of address is not intended to be used for voter registration purposes. A circuit court clerk or board of registration may not change an address on a voter registration record if the change is contrary to the voter's instructions under this section.

SECTION 131. IC 3-7-39-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 10. Except as provided in section 9 of this chapter, and as required under ~~42 U.S.C. 1973gg-3(a)(2)~~, **52 U.S.C. 20504(a)(2)**, the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a license branch.

SECTION 132. IC 3-7-39-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. As required under ~~42 U.S.C. 1973gg-4(a)(3)~~, **52 U.S.C. 20505(a)(3)**, the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by a voter on a registration by mail form.

SECTION 133. IC 3-7-41-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. As required under ~~42 U.S.C. 1973gg-3(a)(2)~~, **52 U.S.C. 20504(a)(2)**, the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a license branch.

SECTION 134. IC 3-7-43-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. As provided by ~~42 U.S.C. 1973gg-6(a)(3)(A)~~, **52 U.S.C. 20507(a)(3)(A)**, a circuit court clerk or board of registration may remove the name of a voter from the official list of registered voters at



the voter's request.

SECTION 135. IC 3-7-43-6, AS AMENDED BY P.L.219-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office using the computerized list, on an expedited basis, as required by IC 3-7-26.3. A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy of the request for cancellation for the two (2) year period required under ~~42 U.S.C. 1974~~. **52 U.S.C. 20701**.

SECTION 136. IC 3-7-45-2.1, AS AMENDED BY P.L.64-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2.1. (a) As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside the county of residence; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana;



(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) The county voter registration office shall request a copy of the death records filed quarterly by the local health department with the county auditor under IC 16-37-3-9(c). If a voter is identified as deceased in the death records, the county voter registration office shall cancel the voter registration record of that individual in conformity with section 3 of this chapter.

SECTION 137. IC 3-7-45-3, AS AMENDED BY P.L.64-2014, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. As required by ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**, after receipt of the reports required by section 2.1 or 2.2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

SECTION 138. IC 3-7-45-4, AS AMENDED BY P.L.219-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published in a newspaper in which a legal notice may be published under IC 5-3-1.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration.



SECTION 139. IC 3-7-45-6.1, AS AMENDED BY P.L.258-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6.1. (a) At least once each month, the election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** and in conformity with IC 3-7-26.3.

(b) Not later than thirty (30) days after receiving a report obtained under subsection (a), the election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) If the election division does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

SECTION 140. IC 3-7-46-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. As permitted under ~~42 U.S.C. 1973gg-6(a)(3)(B)~~ **52 U.S.C. 20507(a)(3)(B)** and in the manner required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, a county voter registration office shall remove from the official list of registered voters the name of a voter who is disfranchised under this chapter due to a criminal conviction.

SECTION 141. IC 3-7-46-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) This section applies to a person convicted of a felony in a district court of the United States.

(b) As required by ~~42 U.S.C. 1973gg-6(g)(5)~~, **52 U.S.C. 20507(g)(5)**, the NVRA official shall notify the county voter registration office of the county in Indiana in which the person resides of the information provided by the United States attorney under ~~42 U.S.C. 1973gg-6(g)(2)~~, ~~42 U.S.C. 1973gg-6(g)(3)~~, and ~~42 U.S.C. 1973gg-6(g)(4)~~; **52 U.S.C. 20507(g)(2)**, **52 U.S.C. 20507(g)(3)**, and **52 U.S.C. 20507(g)(4)**.

(c) If the information provided under subsection (b) indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall remove the name of the person from the voter registration records on an expedited basis as required by ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**.

SECTION 142. IC 3-7-46-4.1, AS AMENDED BY P.L.164-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4.1. (a) As required



under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the department of correction to permit a county voter registration office to cancel the registration records of disfranchised individuals on an expedited basis.

(b) The department of correction shall provide the NVRA official with a list identifying each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a department of correction facility during the previous month.

(c) The department of correction shall provide the information required by this section electronically in a format prescribed by the election division.

SECTION 143. IC 3-7-46-7.5, AS AMENDED BY P.L.164-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7.5. If the information provided under section 5 or 6 of this chapter indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall:

- (1) remove the name of the person from the voter registration records; and
- (2) enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3;

on an expedited basis, as required under ~~42 U.S.C. 15483~~; **52 U.S.C. 21083**.

SECTION 144. IC 3-7-48-5, AS AMENDED BY P.L.64-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) This section applies to a voter who:

- (1) formerly resided in a precinct according to the voter registration record; and
- (2) no longer resides in that precinct according to the voter registration record.

(b) As provided under ~~42 U.S.C. 1973gg-6(e)(3)~~, **52 U.S.C. 20507(e)(3)**, a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection



(b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 145. IC 3-9-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 3. (a) Notwithstanding IC 23-15-5 or any other statute, a corporation or labor organization may make a contribution to aid in the:

- (1) election or defeat of a candidate; or
- (2) the success or defeat of:
  - (A) a political party; or
  - (B) a public question submitted to a vote in an election.

(b) Contributions by a corporation or labor organization are limited to those authorized by sections 4, 5, and 6 of this chapter.

(c) A national bank or a corporation organized by authority of any law of Congress must comply with contribution restrictions applicable to Indiana elections under ~~2 U.S.C. 441b~~ **52 U.S.C. 30118**.

SECTION 146. IC 3-9-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 11. A foreign national (as defined in ~~2 U.S.C. 441e(b)~~) **52 U.S.C. 30121(b)**) may not make a contribution in connection with:

- (1) an election;
- (2) a convention; or
- (3) a caucus in which a candidate is selected;

under this title.

SECTION 147. IC 3-9-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 6. (a) Except as provided in subsections (b) and (c), the election division and each county election board shall preserve reports and statements for four (4) years from December 1 following the election to which they pertain, unless the records are in litigation.

(b) This subsection applies to reports and statements filed by a



person that seeks to influence the election or retention of an individual to an office with a term of more than four (4) years. The election division and each county election board shall preserve the reports and statements subject to this subsection until the final December 1 before the expiration of the term for the office, unless the records are in litigation.

(c) If a report is a duplicate of a report required to be filed under the federal Election Campaign Act (~~42 U.S.C. 431~~ **(52 U.S.C. 30101** et seq.), the report may be discarded on January 1 of the second year after the report was filed.

SECTION 148. IC 3-9-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. (a) A person may file duplicates of the reports required to be filed under the Federal Election Campaign Act (~~42 U.S.C. 431~~ **(52 U.S.C. 30101** et seq.) to comply with this chapter.

(b) The duplicate must cover all activity of the committee, and the committee shall file a supplementary report as directed by the election division to provide information required by this article but not included in the federal report.

(c) Each candidate for United States Senator or United States Representative and the treasurer of the candidate's committee may file with the election division duplicates of the reports required by federal law.

(d) If a report is available on the Federal Election Commission's web site, a statement to that effect is all the person is required to file.

SECTION 149. IC 3-10-1-8, AS AMENDED BY P.L.271-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct, the certified copy of the registration record prepared under IC 3-7-29, or the electronic poll list may:

(1) vote if the county voter registration office provides a signed certificate of error; or

(2) cast a provisional ballot under IC 3-11.7, as provided by ~~42 U.S.C. 15482~~ **52 U.S.C. 21082**.

SECTION 150. IC 3-10-1-10.5, AS AMENDED BY P.L.164-2006, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 10.5. (a) This section does not apply to a voter who is challenged under section 10 of this chapter on the basis of party affiliation.

(b) In accordance with ~~42 U.S.C. 15482~~ **52 U.S.C. 21082**, a voter



challenged under this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 9 of this chapter.

SECTION 151. IC 3-10-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 31. (a) This section applies to election materials for elections held before January 1, 2004.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by ~~42 U.S.C. 1974~~; **52 U.S.C. 20701**, after which they may be destroyed unless:

- (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- (2) ~~42 U.S.C. 1973~~; **52 U.S.C. 10301**;

requires the continued preservation of the ballots or other material.

(d) This subsection applies before January 1, 2006. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
- (3) adding the registration of a voter under IC 3-7-48-8; or
- (4) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(e) This subsection applies after December 31, 2005. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43



through IC 3-7-46; or

(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(f) After the expiration of the period described in subsection (c), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 152. IC 3-10-1-31.1, AS AMENDED BY P.L.64-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by ~~42 U.S.C. 1974~~; **52 U.S.C. 20701**, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) ~~42 U.S.C. 1973~~; **52 U.S.C. 10301**;

**HEA 1138 — Concur**



requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(h) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by ~~42 U.S.C. 1974~~, **52 U.S.C. 20701**, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.

**HEA 1138 — Concur**



(3) ~~42 U.S.C. 1973~~ **52 U.S.C. 10301.**

SECTION 153. IC 3-10-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 1. This chapter:

- (1) prescribes the procedure for certain voters to cast ballots under ~~42 U.S.C. 1973gg-6(c)(2)~~ **52 U.S.C. 20507(e)(2)** in a precinct where the voter formerly resided; and
- (2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

SECTION 154. IC 3-11-3-11, AS AMENDED BY P.L.76-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The ballots printed under the direction of the county election board as follows:
  - (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
  - (B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.
  - (C) Provisional ballots in the number considered necessary by the county election board.
- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.
- (5) Copies of the voter's bill of rights for posting as required by ~~42 U.S.C. 15482~~ **52 U.S.C. 21082.**
- (6) Copies of the instructions for a provisional voter required by ~~42 U.S.C. 15482~~ **52 U.S.C. 21082.** The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).
- (7) Copies of the notice for posting as required by IC 3-7-29-1(f).
- (8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).



(b) This subsection applies to a county that:

- (1) has adopted an order under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

SECTION 155. IC 3-11-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 25. As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

SECTION 156. IC 3-11-4-5.5, AS AMENDED BY P.L.66-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5.5. In accordance with ~~42 U.S.C. 1973ff-1(b)~~, **52 U.S.C. 20302(b)**, but subject to section 5.7 of this chapter, the election division is designated as the single office in Indiana responsible for providing information regarding voter registration procedures under IC 3-7 and absentee ballot procedures under this chapter to be used by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Indiana.

SECTION 157. IC 3-11-4-5.7, AS ADDED BY P.L.66-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5.7. (a) As used in this section, "MOVE" refers to the Military and Overseas Voter Empowerment Act (~~Sections 577 through 589 of the National Defense Authorization Act for Fiscal Year 2010~~). (**P.L. 111-84, Division A, Title V, Subtitle H (Section 575 et seq.)**).

(b) Except as expressly provided by law, the state delegates its responsibilities to carry out the requirements of MOVE to each county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4).

(c) To implement ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**, electronic mail, fax, and web publication are designated as means of communication for an absent uniformed services voter or an overseas voter to request a voter registration application and an absentee ballot application from the election division, a county election board, or a county voter registration office.

(d) An office described in subsection (c) that receives an electronic mail or fax from a voter shall provide an absentee ballot application or



a voter registration application by electronic mail or fax to the voter if:

- (1) requested by the voter; and
- (2) the voter provides an electronic mail address or a fax number that permits the office to send an application not later than the end of the first business day after the office receives the communication from the voter.

If the electronic mail address or the fax number provided by the voter does not permit the office to send the voter an application not later than the end of the first business day after the office receives the communication, the office shall send the application to the voter by United States mail.

(e) As required by ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**, to the extent practicable and permitted under state law (including IC 3-7 and IC 5-14-3), an office described in subsection (c) shall ensure that the procedures used to transmit an absentee ballot application or a voter registration application to an absent uniformed services voter or overseas voter protect the security and integrity of the application request processes, and that the privacy of the identity and other personal data of the voter who requests or is sent an application under subsection (d) is protected throughout the process of making the request or being sent the application.

(f) As required under ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**, an office described in subsection (c) shall include information regarding the use of electronic mail, fax, and web publication with all informational and instructional materials that are sent with an absentee ballot application or an absentee ballot to an absent uniformed services voter or overseas voter.

(g) To implement Section 580 of MOVE, and in accordance with IC 3-7-26.3-3, the secretary of state, with the approval of the election division, shall develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate county election board (or board of elections and registration), regardless of the manner in which the absentee ballot was transmitted by the voter to the board. To the extent permitted by IC 3-7 and IC 5-14-3, the system must contain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the system.

SECTION 158. IC 3-11-4-6, AS AMENDED BY P.L.219-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee



ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. A person may apply for an absentee ballot at any time after the registration period resumes under IC 3-7-13-10.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing either of the following:

- (1) A combined absentee registration form and absentee ballot request approved under ~~42 U.S.C. 1973ff(b)(2)~~ **52 U.S.C. 20301(b)(2)**.

- (2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter or an overseas voter. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an absent uniformed services voter or an overseas voter, the application is an adequate application for an absentee ballot for an election conducted during the period that ends on December 31 following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration



record, the previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:



(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) Upon approval of the voter's absentee ballot application, a county election board shall transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted in accordance with the procedures established under that program. An electronic mail message transmitting a voted absentee ballot under this subsection must include a digital image of the voter's signature on the statement required under subsection (h).

SECTION 159. IC 3-11-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 7. (a) An absentee ballot application under section 6 of this chapter must be made on a standard form approved under ~~42 U.S.C. 1973ff(b)~~ **52 U.S.C. 20301(b)** or on the form prescribed by the commission under section 5.1 of this chapter.

(b) An absentee ballot application under section 6 of this chapter from an:

(1) absent uniformed services voter; or

**HEA 1138 — Concur**



- (2) address confidentiality program participant (as defined in IC 5-26.5-1-6);

must show that the voter or program participant is a resident otherwise qualified to vote in the precinct.

(c) An absentee ballot application under section 6 of this chapter from an overseas voter must show that the overseas voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the United States.

SECTION 160. IC 3-11-4-12.5, AS AMENDED BY P.L.219-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12.5. (a) This section applies to an absent uniformed services voter or overseas voter.

(b) If a voter makes a timely application for and does not receive an absentee ballot from a county election board, the voter may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the United States Department of Defense and in accordance with the requirements set forth in ~~42 U.S.C. 1973ff-2~~ **52 U.S.C. 20303** to cast a vote by mail, electronic mail, or fax for any of the following:

- (1) Any candidate for nomination at a primary election.
- (2) Any candidate, political party, or public question on a general election, municipal election, or special election ballot.

(c) The voluntary waiver of confidentiality under section 6(h) of this chapter is not required for a federal write-in absentee ballot.

(d) When a county election board receives a federal write-in absentee ballot, the board shall process the ballot as prescribed by IC 3-11-10-1(b).

SECTION 161. IC 3-11-4-17.5, AS AMENDED BY P.L.64-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section



2(b) of this chapter; and

(4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain and not transmit to the voter's precinct.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law; as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with ~~42 U.S.C. 1973ff-1(d)~~, **52 U.S.C. 20302(d)**, if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the



records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

- (1) is a voter of the precinct according to the registration record; and
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 162. IC 3-11-4-17.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 17.7. (a) This section applies when a voter:

- (1) has been mailed the official ballot under this chapter; and
- (2) notifies the county election board that the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail.

(b) As required under ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot.

(c) After a voter files the statement required under subsection (b), the county election board may issue a replacement official ballot to the voter in accordance with this chapter and shall include information regarding the official replacement ballot in the certification provided to the precinct inspector under section 22 of this chapter.

(d) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost or delayed official ballot that comes into the possession of the voter.



SECTION 163. IC 3-11-4-18, AS AMENDED BY P.L.194-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.



SECTION 164. IC 3-11-4-21, AS AMENDED BY P.L.103-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit in conformity with ~~42 U.S.C. 1973ff-1(b)~~; **52 U.S.C. 20302(b)**, providing that the voter affirms under penalty of perjury that the following information is true:

(1) The name of the precinct and township (or ward and city or town).

(2) That the voter is:

(A) a resident of; or

(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.

(3) The voter's complete residence address, including the name of the city or town and county.

(4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

(5) That:

(A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;

(B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or

(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.



(d) The side of the envelope containing this affidavit must also set forth the penalties for perjury.

SECTION 165. IC 3-11-6.5-1, AS AMENDED BY P.L.1-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) Both of the following must apply before the department may issue a quantity purchase agreement to a voting system vendor:

(1) The commission has found that all of the following would be enhanced by the vendor's new or upgraded voting system:

(A) Reliability of a county's voting system.

(B) Efficiency of a county's voting system.

(C) Ease of use by voters.

(D) Public confidence in a county's voting system.

(2) The commission has otherwise approved the vendor's new voting system or the upgrade or expansion of the existing voting system for use under this title.

(d) The quantity purchase agreement must include options for a county to:

(1) purchase;

(2) lease-purchase; or

(3) lease;

new voting systems or upgrades or expansion of existing voting systems.

(e) The purchase of new voting systems or upgrades or expansions of existing voting systems by a county or under a quantity purchase agreement entered into by the department under this section is considered an acquisition by the state for purposes of ~~42 U.S.C. 15401~~ **52 U.S.C. 21001** if the voting system, upgrade, or expansion complies with ~~42 U.S.C. 15481 through 15502~~ **52 U.S.C. 21081 through 52 U.S.C. 21102**.

(f) Each county shall purchase at least one (1) voting system under this section for each polling place in the county to meet the requirements set forth under IC 3-11-15-13 (repealed).

SECTION 166. IC 3-11-6.5-2, AS AMENDED BY P.L.153-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. (a) In accordance with ~~42 U.S.C. 15404~~, **52 U.S.C. 21004**, the election administration



assistance fund is established for the following purposes:

- (1) As provided by ~~42 U.S.C. 15401~~, **52 U.S.C. 21001**, to carry out activities to improve the administration of elections for federal office.
  - (2) As provided by ~~42 U.S.C. 15401~~, **52 U.S.C. 21001**, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (~~42 U.S.C. 15401 through 15408~~) (**52 U.S.C. 21001 through 52 U.S.C. 21008**) as a reimbursement of costs in obtaining voting equipment that complies with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** if the state obtains the equipment after November 7, 2000.
  - (3) As provided by ~~42 U.S.C. 15401~~, **52 U.S.C. 21001**, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (~~42 U.S.C. 15401 through 15408~~) (**52 U.S.C. 21001 through 52 U.S.C. 21008**) as a reimbursement of costs in obtaining voting equipment that complies with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** under a multiyear contract incurred after December 31, 2000.
  - (4) For reimbursing counties for the purchase of new voting systems or for the upgrade or expansion of existing voting systems that would not qualify for reimbursement under subdivision (2) or (3).
- (b) The fund consists of the following:
- (1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.
  - (2) All money allocated to the state by the federal government:
    - (A) under Section 101 of HAVA (~~42 U.S.C. 15301~~), (**52 U.S.C. 20901**), as required by ~~42 U.S.C. 15304~~, **52 U.S.C. 20904**;
    - (B) under Section 102 of HAVA (~~42 U.S.C. 15302~~), (**52 U.S.C. 20902**), as required by ~~42 U.S.C. 15304~~, **52 U.S.C. 20904**;
    - (C) under Title II, Subtitle D, Part I of HAVA (~~42 U.S.C. 15401 through 15408~~), (**52 U.S.C. 21001 through 52 U.S.C. 21008**); and
    - (D) under any other program for the improvement of election administration.
  - (3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and separate accounts within the fund for any money received by the state from the federal



government for each source of allocations described under subdivision (2). Proceeds of bonds issued by the Indiana bond bank under subdivision (3) may be deposited into any account, as determined by the election division.

(c) The secretary of state shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the Section 101 account of the fund. If money is not available for this purpose in the Section 101 account of the fund, the expenses of administering the fund shall be paid from money appropriated under subsection (b)(1).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

SECTION 167. IC 3-11-6.5-3.1, AS AMENDED BY P.L.153-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3.1. (a) This section applies to money received under Title II, Subtitle D, Part I of HAVA (~~42 U.S.C. 15401 through 15408~~) (**52 U.S.C. 21001 through 52 U.S.C. 21008**) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used to comply with the requirements of Title III of HAVA (~~42 U.S.C. 15481 through 15502~~) (**52 U.S.C. 21081 through 52 U.S.C. 21102**).

(c) In conformity with Section 254(a)(7) of HAVA (~~42 U.S.C. 15404~~) (**52 U.S.C. 21004**), the state shall maintain expenditures by the state for activities funded by the payment of funds described by this section at a level that is not less than the level of those expenditures maintained by the state for the fiscal year ending June 30, 2000.

SECTION 168. IC 3-11-6.5-7.1, AS AMENDED BY P.L.153-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7.1. (a) This section applies to money received under Section 102 of HAVA (~~42 U.S.C. 15302~~) (**52 U.S.C. 20902**) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used for the purposes



set forth in Section 102 of HAVA (~~42 U.S.C. 15302~~) **(52 U.S.C. 20902)**.

(c) As permitted under ~~42 U.S.C. 15302~~, **52 U.S.C. 20902**, a county may apply to receive reimbursement from the fund.

(d) To receive reimbursement or voting systems under this section, a county must file an application with the election division in the form required by the election division. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.

(e) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement if the budget agency determines that the county has purchased a voting system to comply with Section 102 of HAVA and is eligible for reimbursement under this section.

(f) The budget agency, after review by the budget committee, shall approve a county's application for disbursement of voting systems to the county if the budget agency determines that the county is entitled to receive voting systems under this section to comply with Section 102 of HAVA.

(g) If a county's application for reimbursement is approved under this section, the secretary of state shall, subject to subsection (h), reimburse the county from the fund in an amount not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a voting machine voting system or a punch card voting system at the November 7, 2000, general election.

STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars (\$4,000).

(h) Payment of money from the fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

SECTION 169. IC 3-11-6.5-8, AS AMENDED BY P.L.153-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 8. (a) This section applies to money received under Section 101 of HAVA (~~42 U.S.C. 15301~~) **(52 U.S.C. 20901)** and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used in accordance with the requirements applicable under Section 101 of HAVA (~~42 U.S.C. 15301~~) **(52 U.S.C. 20901)**.

(c) The money may be used for the following purposes:

(1) By the secretary of state for any purpose authorized by this



title and permitted under ~~42 U.S.C. 15301~~, **52 U.S.C. 20901**.

(2) To reimburse counties for the upgrade or expansion of existing voting systems to comply with HAVA.

(d) As permitted under ~~42 U.S.C. 15301~~, **52 U.S.C. 20901**, a county may apply to receive reimbursement under subsection (c).

(e) To receive reimbursement under this section, a county must make an application to the election division in the form required by the election division. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.

(f) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this section if the budget agency determines that the application complies with the requirements for reimbursement under subsection (c)(2).

(g) If a county's application is approved under subsection (c)(2), the secretary of state shall, subject to subsection (h), pay the county from the fund in an amount to be determined by the secretary of state.

(h) Payment of money from the fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

SECTION 170. IC 3-11-7-12, AS AMENDED BY P.L.221-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. (a) The commission shall:

(1) require the vendor to have tests conducted concerning the compliance of a ballot card voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and

(2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of a ballot card voting system.

(b) The tests required under this section must be performed by an independent laboratory accredited under ~~42 U.S.C. 15371~~, **52 U.S.C. 20971**. The vendor shall pay any testing expenses incurred under this section.

(c) A ballot card voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(d) An approval of a ballot card voting system under this chapter expires on the date specified in section 19(a) of this chapter.

SECTION 171. IC 3-11-7-15, AS AMENDED BY P.L.76-2014, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under ~~42 U.S.C. 15371~~. **52 U.S.C. 20971**. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate: ~~whether the proposed improvement or change:~~

(1) **whether the proposed improvement or change** has been approved by an independent laboratory accredited under ~~42 U.S.C. 15371~~; **52 U.S.C. 20971**;

(2) **whether the proposed improvement** is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) **whether the proposed improvement or change** would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change (including a de minimis change) to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

SECTION 172. IC 3-11-7.5-4, AS AMENDED BY P.L.221-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) The commission shall:

**HEA 1138 — Concur**



- (1) require the vendor to have tests conducted concerning the compliance of an electronic voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and
- (2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of an electronic voting system.

(b) The tests required under this section must be performed by an independent laboratory accredited under ~~42 U.S.C. 15371~~; **52 U.S.C. 20971**. The vendor shall pay any testing expenses under this section.

(c) If the commission finds that an electronic voting system complies with this article, the commission may approve the system. The approved system then may be adopted for use at an election.

(d) An electronic voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(e) An approval of an electronic voting system under this chapter expires on the date specified by section 28(a) of this chapter.

SECTION 173. IC 3-11-7.5-5, AS AMENDED BY P.L.76-2014, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under ~~42 U.S.C. 15371~~; **52 U.S.C. 20971**. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate: ~~whether the proposed improvement or change:~~

- (1) **whether the proposed improvement or change** has been approved by an independent laboratory accredited under ~~42 U.S.C. 15371~~; **52 U.S.C. 20971**;



(2) **whether the proposed improvement** is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) **whether the proposed improvement or change** would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system (including a de minimis change), the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 174. IC 3-11-8-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 1.2. (a) As used in this section, "facility" refers to the facility in which a polling place is located.

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if the following apply:

(1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under ~~42 U.S.C. 1973ee through 42 U.S.C. 1973ee-6~~ **52 U.S.C. 20101 through 52 U.S.C. 20107**.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) Parking spaces marked and available to conform with IC 5-16-9.

(B) The path to the facility that an individual must travel on the property where the facility is located.

(C) The entrances of the facility to be used by voters.

(D) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(E) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility will comply with subsection (b) by implementing temporary measures.

**HEA 1138 — Concur**



SECTION 175. IC 3-11-8-3.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3.4. (a) As authorized under ~~42 U.S.C. 15421~~, **52 U.S.C. 21021**, a county election board may apply on behalf of a county to the Secretary of Health and Human Services for payments under HAVA (~~42 U.S.C. 15421 through 15425~~) (**52 U.S.C. 21021 through 52 U.S.C. 21025**) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If a county election board submits an application under subsection (a), the application must:

(1) comply with ~~42 U.S.C. 15423~~; **52 U.S.C. 21023**; and

(2) be filed with the election division not later than the submission of the application under subsection (a).

(c) If a county election board receives payments from the Secretary of Health and Human Services under ~~42 U.S.C. 15421 through 15425~~, **52 U.S.C. 21021 through 52 U.S.C. 21025**, the payments shall be deposited in the county general fund and appropriated to the county election board for the purposes described in the application. The county election board shall spend the money for the purposes described in the application.

(d) As required by ~~42 U.S.C. 15425~~, **52 U.S.C. 21025**, the county election board shall file a report with the Secretary of Health and Human Services regarding the activities conducted with these funds and the expenditures made with respect to the categories listed in subsection (a)(1) and (a)(2). The county election board shall file a copy of the report with the election division and the state board of accounts not later than the date the report is submitted under this subsection.

SECTION 176. IC 3-11-8-11, AS AMENDED BY P.L.221-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 11. (a) When the hour



for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list;
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote. In addition, the inspector shall require all voters who have not yet passed the challengers to line up in single file within the chute. The poll clerks shall record the names of the voters in the chute, and these voters may vote unless otherwise prevented according to law.

(b) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 177. IC 3-11-8-23.5, AS AMENDED BY P.L.164-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 23.5. In accordance with ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

SECTION 178. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

**HEA 1138 — Concur**



- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 179. IC 3-11-8-27.5, AS AMENDED BY P.L.164-2006, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 27.5. In accordance with ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

SECTION 180. IC 3-11-9-2, AS AMENDED BY P.L.221-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. (a) A voter who:

- (1) is a voter with disabilities; or
- (2) is unable to read or write English;

may request assistance in voting before entering the voting booth and designate a person (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) to assist the voter in voting at an election, as required by ~~42 U.S.C. 1973aa-6~~. **52 U.S.C. 10508**.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The person designated must execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the designated person's knowledge, the voter:

- (1) is a voter with disabilities or is unable to read or write English; and
- (2) has requested the designated person to assist the voter in



voting under this section.

(c) The person designated may then accompany the voter into the voting booth and assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

SECTION 181. IC 3-11-10-24.5, AS AMENDED BY P.L.164-2006, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 24.5. As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board must establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

SECTION 182. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
  - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
  - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits



obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 183. IC 3-11-10-26, AS AMENDED BY P.L.258-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.
- (2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an



absentee ballot before an absentee voter board at any of the following:

- (1) The office of the board of elections and registration.
- (2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(h) Notwithstanding subsection (g), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee



ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(i) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(j) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(l) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

SECTION 184. IC 3-11-11-1.2, AS AMENDED BY P.L.164-2006, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1.2. As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board must establish a voter education program to notify a voter of the effect of casting multiple votes for a single office on a paper ballot.

SECTION 185. IC 3-11-11-6, AS AMENDED BY P.L.164-2006, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each ballot that



the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot.

(b) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when a voter receives a paper ballot under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 186. IC 3-11-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7. (a) This section is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot.

(b) After receiving ballots under section 6 of this chapter, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

- (1) the candidates for whom the voter desires to vote by making a voting mark on or in the squares immediately before the candidates' names; and
  - (2) the voter's preference on each public question by making a voting mark in front of the word "yes" or "no" under the question.
- (c) Write-in votes shall be cast by:

- (1) making a voting mark on or in the square immediately before the space provided for write-in voting; and
- (2) printing the name of the candidate in the space provided for write-in voting.

SECTION 187. IC 3-11-11-9, AS AMENDED BY P.L.164-2006, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 9. (a) A voter shall mark all ballots while screened from observation. The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

(b) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting a paper ballot under this section must be:



- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 188. IC 3-11-13-4.5, AS AMENDED BY P.L.164-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4.5. As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board must establish a voter education program to notify a voter of the effect of casting multiple ballots for a single office on an optical scan ballot card tabulated at a central location.

SECTION 189. IC 3-11-13-18, AS AMENDED BY P.L.13-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 18. (a) Except as provided in subsection (d), the county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(b) The ballot cards provided under subsection (a) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(c) This subsection is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. Except as provided in subsection (d), a write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

(d) Space for write-in voting for an office is not required if:

- (1) there are no declared write-in candidates for that office; or
- (2) the marking device allows for entry of a write-in candidate that can be read by a tabulator.

However, procedures must be implemented to permit write-in voting for candidates for federal offices.

SECTION 190. IC 3-11-13-28.5, AS AMENDED BY P.L.13-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply in a precinct where a marking device for an optical scan ballot is being used. As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

(c) This subsection applies to an optical scan ballot card ballot tabulated at a central location. As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when a voter receives an optical scan ballot card ballot, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 191. IC 3-11-13-28.7, AS AMENDED BY P.L.221-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 28.7. (a) The two (2) poll clerks of each precinct shall place their initials in ink on the secrecy envelope of a ballot card (or on the fold-over part of a ballot card described in section 18(b)(1) of this chapter) at the time the card is issued to a voter. The initials must be in the poll clerk's ordinary handwriting or printing and without a distinguishing mark of any kind.

(b) This subsection is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. A write-in vote cast on a secrecy envelope or fold-over envelope:

- (1) is not valid unless:
  - (A) the secrecy envelope is initialed by both poll clerks; and
  - (B) the vote includes both the name of the write-in candidate and the office for which the write-in vote is cast; and
- (2) makes the secrecy envelope or fold-over envelope a ballot for purposes of this title.

SECTION 192. IC 3-11-13-29, AS AMENDED BY P.L.55-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.



(b) The instructions posted in the voting booth or placed on the marking device must state the following:

- (1) That the voter should examine the ballot card to determine whether the back of the ballot card has:
  - (A) the initials of the poll clerks in ink; or
  - (B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.
- (2) That the voter should not make an unnecessary mark on the ballot card because the mark may void the card.
- (3) That the voter should examine the ballot card to determine if the card has any mark (other than the initials of the poll clerks) before voting.
- (4) That the voter should return the ballot card to the poll clerks and request another ballot card if:
  - (A) the poll clerks' initials have not been properly placed on the card;
  - (B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or
  - (C) the voter has improperly marked the card.
- (5) That the voter should examine the ballot card after voting to determine that all marks made on the card to indicate the voter's selections have been completely marked.
- (c) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting an optical scan ballot card under this section must be:
  - (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
  - (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
  - (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 193. IC 3-11-13-31.7, AS AMENDED BY P.L. 76-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 31.7. (a) This section



is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

(1) touching a device on or in the squares immediately adjacent



to the name of a political party, candidate, or response to a public question; or

(2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 194. IC 3-11-14-23, AS AMENDED BY P.L.164-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 23. (a) This section is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to



correct the ballot before the ballot is cast and counted.

SECTION 195. IC 3-11-15-13.3, AS AMENDED BY P.L.219-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

- (1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; or
- (2) the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2013, if the voting system:

- (1) was:
  - (A) approved by the commission for use in elections in Indiana before October 1, 2013; and
  - (B) purchased by the county before October 1, 2013; and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 196. IC 3-11-15-13.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13.6. (a) This section applies only to a voting system purchased with funds made available under Title II of HAVA (~~42 U.S.C. 15321~~



~~through 15472)~~ **(52 U.S.C. 20921 through 52 U.S.C. 21072)** after December 31, 2006.

(b) As required by 42 U.S.C. 15481, the voting system must comply with the Voting System Standards for disability access referred to in section 13.3 of this chapter and ~~42 U.S.C. 15481(a)(3)~~ **52 U.S.C. 21081(a)(3)** to be used in an election.

SECTION 197. IC 3-11-15-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 20. (a) A voting system must be able to record accurately each vote and be able to produce an accurate report of all votes cast.

(b) As used in this subsection, "error rate" refers to the error rate of the voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter). As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voting system must comply with the error rate standards established under section 3.2.1. of the Voting System Standards approved by the Federal Election Commission on April 30, 2002, as those standards were in effect on October 29, 2002.

(c) The inclusion of control logic and data processing methods incorporating parity and check-sums (or equivalent error detection and correction methods) must demonstrate that the system has been designed for accuracy.

SECTION 198. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, the voting system must:

- (1) produce a permanent paper record with a manual audit capacity for the system; and
- (2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(c) The paper record produced under subsection (b) must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.

SECTION 199. IC 3-11.5-5-14, AS AMENDED BY P.L.219-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 14. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.



(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; or
- (2) included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by ~~42 U.S.C. 1973ff-2(b)~~, **52 U.S.C. 20303(b)**, and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

(e) IC 3-12-1-7 applies to a ballot subject to this section.

(f) As required under ~~42 U.S.C. 1973ff-2(b)~~, **52 U.S.C. 20303(b)**, a ballot subject to this section may not be counted if:

- (1) the ballot was submitted:
  - (A) by an overseas voter who is not an absent uniformed services voter; and
  - (B) from within the United States;
- (2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;
- (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17; or
- (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

(g) If a federal write-in absentee ballot is received by the county election board in an envelope that does not indicate that the envelope contains the ballot, and the envelope is opened by the county election board, the absentee ballot shall nevertheless be counted if otherwise valid. The county election board shall:

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and
- (2) document the date the absentee ballot was sealed within the



carrier envelope, attested to by the signature of each member of the county election board.

SECTION 200. IC 3-11.5-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 17. IC 3-11.5-5-14 applies to the counting of write-in absentee ballots for a federal office cast on a ballot card received under ~~42 U.S.C. 1973ff.~~ **52 U.S.C. 20301.**

SECTION 201. IC 3-11.7-2-1, AS AMENDED BY P.L.219-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) As provided by ~~42 U.S.C. 15482;~~ **52 U.S.C. 21082**, this section applies to the following individuals:

- (1) An individual:
  - (A) whose name does not appear on the registration list; and
  - (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.
- (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
- (3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by ~~42 U.S.C. 15483;~~ **52 U.S.C. 21083**, a voter who has registered to vote but has not:

- (1) presented identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10; and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 202. IC 3-11.7-2-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:

Sec. 2. (a) A provisional voter shall do the following:

- (1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

SECTION 203. IC 3-11.7-2-3, AS AMENDED BY P.L.109-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) The form of the envelope is prescribed under IC 3-6-4.1-14. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.

(c) Except as provided in subsection (d) and in accordance with ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing



Hours".

SECTION 204. IC 3-11.7-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, at the close of the polls, the precinct election board shall do the following:

(1) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters other than provisional voters described in section 1(a)(3) of this chapter in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

(2) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters described in section 1(a)(3) of this chapter in the container described in section 1(a)(3) of this chapter and mark on the container the number of provisional ballots contained.

The inspector shall return the container with all the provisional ballots to the circuit court clerk after the close of the polls.

SECTION 205. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the



registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** with the county voter registration office not later than the closing of the polls on election day.

SECTION 206. IC 3-11.7-6-3, AS AMENDED BY P.L.64-2014, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

- (1) whether the individual's provisional ballot was counted; and
- (2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

(b) After December 31, 2014, the county election board shall enter the following into the computerized list:

- (1) The name of the individual.
- (2) The address of the individual.
- (3) Whether the individual's provisional ballot was counted.
- (4) If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

(c) As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

(d) As required by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, the county election board shall restrict access to the free access system established under subsection (a) to the individual voter who cast the provisional ballot. This subsection does not restrict access to election materials available under IC 3-10-1-31.1.



(e) The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.

SECTION 207. IC 3-12-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1.2. (a) This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, optical scan voting system, or electronic voting system.

(b) The standards in this chapter apply to counting votes on every voting system, except where specific standards applicable only:

- (1) to a type of voting system are provided under IC 3-12-2, IC 3-12-3, or IC 3-12-3.5; and
- (2) in a recount or contest proceeding are provided under IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12.

SECTION 208. IC 3-12-2-1, AS AMENDED BY P.L.230-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) This chapter:

- (1) is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot; and
- (2) applies to each precinct where voting is by paper ballot.

(b) After the polls have closed, each precinct election board shall count the paper ballot votes for each candidate for each office and on each public question. The ballots shall be counted by laying each ballot upon a table in the order in which it is taken from the ballot box.

(c) Notwithstanding subsection (b), the precinct election board may count absentee ballots before the polls have closed. If the precinct election board counts absentee ballots under this subsection, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

- (1) a candidate received for an office; or
- (2) cast to approve or reject a public question;

on absentee ballots counted under this subsection.

(d) If a precinct election board administers more than one (1) precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

SECTION 209. IC 3-12-2-7.5, AS AMENDED BY P.L.219-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 7.5. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

(b) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President of the United States and writes in the name of a candidate or political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; or
- (2) included a list of electors on the declaration for candidacy filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by ~~42 U.S.C. 1973ff-2(b)~~, **52 U.S.C. 20303(b)**, and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

(e) IC 3-12-1-7 applies to a ballot subject to this section.

(f) As required by ~~42 U.S.C. 1973ff-2(b)~~, **52 U.S.C. 20303(b)**, a ballot subject to this section may not be counted if:

- (1) the ballot was submitted:
  - (A) by an overseas voter who is not an absent uniformed services voter; and
  - (B) from within the United States;
- (2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;
- (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11; or
- (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11.

(g) If a federal write-in absentee ballot is received by the county election board in an envelope that does not indicate that the envelope contains the ballot, and the envelope is opened by the county election board, the absentee ballot shall nevertheless be counted if otherwise valid. The county election board shall:

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and



(2) document the date the absentee ballot was sealed within the carrier envelope, attested to by the signature of each member of the county election board.

SECTION 210. IC 3-12-3-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1.1. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an optical scan voting system.

SECTION 211. IC 3-12-3.5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1.1. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an electronic voting system.

SECTION 212. IC 3-12-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 5.5. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system by a county election board.

SECTION 213. IC 3-12-6-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1.2. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

SECTION 214. IC 3-12-8-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 2.5. (a) This section does not apply to a contest concerning whether a contestee was ineligible as alleged under section 2(1) of this chapter.

(b) This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a contest conducted under this chapter.

SECTION 215. IC 3-12-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
 Sec. 1.5. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards



to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

SECTION 216. IC 3-12-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1.5. This chapter is enacted to comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

SECTION 217. IC 9-13-1-4, AS AMENDED BY P.L.230-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. Except as otherwise provided in this title, a reference in this title to a federal statute or regulation relating to the National Voter Registration Act of 1993 (~~42 U.S.C. 1973gg~~) (**52 U.S.C. 20501**) is a reference to the statute or regulation as in effect ~~January 1, 2005~~; **September 1, 2014**.

SECTION 218. IC 9-14-3-5, AS AMENDED BY P.L.2-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

- (1) submitted in writing; or
- (2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;
- (3) the driver's license number;
- (4) the digital image of the driver's license applicant;
- (5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-2; or
- (6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;



(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under ~~42 U.S.C. 1973gg-3(b)~~, **52 U.S.C. 20504(b)**, the bureau may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The bureau may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 219. IC 9-16-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. This chapter does not prohibit an employee from using the equipment or facilities of a license branch operated under this article or engaging in activity permitted or required under:

(1) IC 3-7;

(2) IC 9-16-7;

(3) IC 9-24-2.5; or

(4) the National Voter Registration Act of 1993 (~~42 U.S.C. 1973gg-3~~) (**52 U.S.C. 20501**).

SECTION 220. IC 9-16-7-2, AS AMENDED BY P.L.125-2012, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 2. License branches shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and ~~42 U.S.C. 1973gg-3~~, **52 U.S.C. 20504**.

SECTION 221. IC 9-16-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. The registration forms provided under section 3 of this chapter must be:

(1) prescribed by the Indiana election commission to permit the NVRA official to fulfill the NVRA official's reporting duties under ~~42 U.S.C. 1973gg-7(a)(3)~~ **52 U.S.C. 20508(a)(3)** and IC 3-7-11-2; and

(2) placed in an easily accessible location within the branch, so that members of the public may obtain the forms without further assistance from the commission.

SECTION 222. IC 9-24-2.5-1, AS AMENDED BY P.L.120-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes the procedures to be followed by the commission in processing voter registration applications under ~~42 U.S.C. 1973gg-3~~, **52 U.S.C. 20504**, IC 3-7-14, and IC 3-7-26.7.

SECTION 223. IC 9-24-2.5-4, AS AMENDED BY P.L.120-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) As required under ~~42 U.S.C. 1973gg-3(e)(1)~~, **52 U.S.C. 20504(e)(1)**, the manager or designated license branch employee shall transmit a copy of the completed voter registration portion of each application for a driver's license or an identification card for nondrivers issued under this article to the county voter registration office of the county in which the individual's residential address (as indicated on the application) is located.

(b) The voter registration application shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. Except in the case of applications submitted online under IC 3-7-26.7, the paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.

SECTION 224. IC 9-24-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the secretary of state (with the consent of the co-directors of the election division) and the commission shall enter into an agreement to match information in the computerized list established under IC 3-7-26.3 with information in the data base of the commission to enable the election division and the commission to verify the accuracy of the information provided on voter registration applications.

SECTION 225. IC 9-24-2.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 13. (a) As required under ~~42 U.S.C. 15483~~, **52 U.S.C. 21083**, the commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(b) The information subject to verification under this section is the following:

- (1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the



Commissioner of Social Security match the information contained in the Commissioner's records.

(2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

(c) The agreement under subsection (b) must comply with ~~42 U.S.C. 15481~~ **52 U.S.C. 21081** and IC 3-7-26.3.

SECTION 226. IC 9-24-9-1, AS AMENDED BY P.L.85-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) Each application for a permit or license under this chapter must:

(1) be made upon the approved form for the application furnished by the bureau;

(2) include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct; and

(3) include a voter registration form as provided in IC 3-7-14 and ~~42 U.S.C. 1973gg-3(c)(1)~~ **52 U.S.C. 20504(c)(1)**.

However, an online application does not have to include a voter registration form under subdivision (3).

(b) The Indiana election commission may prescribe a voter registration form for use under subsection (a) that is a separate document from the remaining portions of the application described in subsection (a)(1) and (a)(2) if the voter registration form remains a part of the application, as required under ~~42 U.S.C. 1973gg-3(c)(1)~~ **52 U.S.C. 20504(c)(1)**.

SECTION 227. IC 12-7-1-3, AS AMENDED BY P.L.230-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. Except as otherwise provided in this title, a reference in this title to a federal statute or regulation relating to the federal National Voter Registration Act of 1993 (~~42 U.S.C. 1973gg~~) (**52 U.S.C. 20501**) is a reference to the statute or regulation as in effect ~~January 1, 2005~~ **September 1, 2014**.

SECTION 228. IC 12-14-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes the procedures to be followed by a county office in processing:

(1) voter registration applications; and

(2) records concerning an individual's declining to register to vote;

under ~~42 U.S.C. 1973gg-5(a)(2)(A)~~ **52 U.S.C. 20506(a)(2)(A)** and IC 3-7-15.

SECTION 229. IC 12-14-1.5-4, AS AMENDED BY P.L.258-2013,



SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the county director or designated office employee shall transmit a completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

(b) The county director or designated employee shall transmit the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

SECTION 230. IC 12-14-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes the procedures to be followed by the division in processing:

- (1) voter registration applications; and
- (2) records concerning an individual's declining to register to vote;

under ~~42 U.S.C. 1973gg-5(a)(2)(A)~~ **52 U.S.C. 20506(a)(2)(A)** and IC 3-7-15.

SECTION 231. IC 12-14-25-3, AS AMENDED BY P.L.258-2013, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. (a) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the designated office employee shall transmit a completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

(b) The designated employee shall transmit the voter registration



application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

SECTION 232. IC 12-15-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]:  
Sec. 1. This chapter prescribes the procedures to be followed by a county office in processing:

- (1) voter registration applications; and
- (2) records concerning an individual's declining to register to vote;

under ~~42 U.S.C. 1973gg-5(a)(2)(A)~~ **52 U.S.C. 20506(a)(2)(A)** and IC 3-7-15.

SECTION 233. IC 12-15-1.5-4, AS AMENDED BY P.L.64-2014, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 4. (a) This section does not apply to a voter registration application or declination to register accepted at a county office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the county director or designated office employee shall transmit a completed voter registration application:

- (1) to the county voter registration office in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

(c) The county director or designated employee shall transmit the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

- (1) to the county voter registration office in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at



the office.

SECTION 234. IC 12-15-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) This section applies to a voter registration application or declination to register accepted at a county office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~, **52 U.S.C. 20506(d)(1)**, the county director or designated employee shall transmit a copy of the completed voter registration application:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted by the office.

(c) The director or designated employee shall transmit a copy of the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

- (1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and
- (2) not later than five (5) days after the application is accepted at the office.

SECTION 235. IC 12-28-1-12, AS AMENDED BY P.L.100-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 12. Notwithstanding IC 4-6-2, the commission has the following powers, duties, and functions:

- (1) Establish and maintain all necessary offices.
- (2) Provide legal and other advocacy services throughout Indiana to individuals or organizations on matters related to the protection of the legal and human rights of individuals with a developmental disability, individuals with a mental illness, and individuals who are seeking or receiving vocational rehabilitation services.
- (3) Enter into contractual relationships and sue and be sued in the name of the services.
- (4) Apply for, solicit, and accept contributions or grants of money, property, or services made by gift, devise, bequest, grant, or other means from any source that the commission considers best to assist the services in performing its purpose.



- (5) Provide information and referral services.
- (6) Adopt rules under IC 4-22-2 to do the following:
  - (A) Establish and operate local protection and advocacy service units.
  - (B) Operate the service.
  - (C) Perform the commission's duties.
- (7) Ensure full participation in the electoral process in individuals with disabilities, including registering to vote, casting a vote, and accessing polling places, in accordance with ~~42 U.S.C. 15461 through 15462~~ **52 U.S.C. 21061 through 52 U.S.C. 21062**.

SECTION 236. IC 16-18-1-3, AS AMENDED BY P.L.230-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 3. Except as otherwise provided in this title, a reference in this title to a federal statute or regulation relating to the federal National Voter Registration Act of 1993 (~~42 U.S.C. 1973gg~~) (**52 U.S.C. 20501**) is a reference to the statute or regulation as in effect ~~January 1, 2005~~ **September 1, 2014**.

SECTION 237. IC 16-19-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 19. (a) The state department shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people.

(b) As required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083**, after January 1, 2006, the department shall provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with the department records concerning individuals identified as deceased under IC 3-7-45.

SECTION 238. IC 16-35-1.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. This chapter prescribes the procedures to be followed by the state department in processing:

- (1) voter registration applications; and
- (2) records concerning an individual's declining to register to vote;

under ~~42 U.S.C. 1973gg-5(a)(2)(A)~~ **52 U.S.C. 20506(a)(2)(A)** and IC 3-7-15.

SECTION 239. IC 16-35-1.6-5, AS AMENDED BY P.L.258-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2014 (RETROACTIVE)]: Sec. 5. (a) As required under ~~42 U.S.C. 1973gg-5(d)(1)~~ **52 U.S.C. 20506(d)(1)**, the designated office employee shall transmit a completed voter registration application:



(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The employee shall transmit the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

**SECTION 240. An emergency is declared for this act.**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1138 — Concur**

